IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

Writ Petition No. 1842 of 2004

Shri Manohar Dharmaji Shirodkar .. Petitioner
V/s.
Union of India and others .. Respondents

Mr. J.M. Tanpure for the Petitioner.
Mr. R.V. Govilkar with Mr. T.C. Kaushik for the Respondent Nos. 1 and 2.

CORAM : S. RADHAKRISHNAN &
S.A. BOBDE, JJ.
DATED : 05.10.2004.

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents. By this Petition, the Petitioner is challenging the order dated 30.4.2003 passed by the Central Administrative Tribunal, Mumbai. The Petitioner had originally approached the Central Administrative Tribunal for grant of ex-gratia payment as per the Vth Central Pay Commission. Clause VI of the decision 5 under the Appendix 13 of the CCS (Pension) Rules, reads as under:-

> "Based on the recommendations of the Fifth Central pay Commission, the President is pleased to decide to grant ex gratia payment to the CPF beneficiaries who retired between the period 18th November, 1960 to 31st December, 1985 at the rate of Rs. 600/- p.m. with effect from 1st November, 1997, subject to the condition that such persons should have rendered at least 20 years of continuous service prior to their superannuation for becoming eligible to the ex gratia payment. They will also be entitled to Dearness Relief as may be notified from time to time in future. They will also be entitled to Dearness Relief @5% with effect from 1.11.1997 as admissible to existing ex gratia beneficiaries."

2. The Central Administrative Tribunal after taking into consideration all the facts has found that the Petitioner had not completed the requisite twenty years of continuous service prior to being retrenched. The learned counsel for the Petitioner also does not dispute that the Petitioner did not complete the requisite twenty years of continuous service. The said condition of atleast twenty years continuous service is a pre-condition for eligibility for payment of ex-gratia. In view of the that the Central Administrative Tribunal has declined to grant any relief to the Petitioner, as admittedly the Petitioner had not completed twenty years. We do not find anything perverse or erroneous in the impugned order. The Petition is totally devoid of merits, hence the same stands dismissed.

(S. RADHAKRISHNAN, J.)

(S.A. BOBDE, J.)